

## CHAPTER 310: PERSONNEL

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## **311 RECRUITMENT**

### **A. COOPERATING AGENCIES**

Recruitment of fire suppression personnel from cooperating rural fire districts, volunteer fire companies, fire service areas, municipal fire departments, County, State, Tribal and Federal agencies will be in accordance with pre-fire cooperative agreements, annual operating plans, mobilization guides and mutual aid agreements. Summary listings of agreements currently in force are in the DNRC - Fire Authorization 200 Manual.

Land Offices may also complete local pre-fire arrangements for contract crews. See Section 312, Subsection F.2 of this manual for further information.

### **B. HIRING OF EMERGENCY FIREFIGHTERS (EFF'S)**

Per MCA 76-13-104, DNRC may employ more personnel than are already on staff to protect the natural resources of the state. DNRC hires temporary or casual employees (EFF's) as state employees without a competitive interview process and utilizes the EFF Pay Plan. EFF pay rates are determined by the nature of the EFF work assigned. An EFF is an individual hired of necessity to cope with a sudden and unexpected emergency, actual or potential (including Severity/Extended resources). EFF employment is uncertain or temporary in duration and shall terminate as soon as the emergency has sufficiently abated. Trust and responsibility are critical criteria for all DNRC incident personnel in dealing with wildfire command structure, agency cooperators, local governments and the public. All DNRC personnel must be trusted to follow appropriate protocol and abide by the *State Policy Number 03-0180*, the *State Ethics Policy*, and must, in addition, review and sign *DNRC Policy Number 3-0015*, the *Model Rules of Conduct*. This is especially true for personnel representing the State of Montana with other agencies, states or countries.

Employment as an EFF is not guaranteed. While individuals may complete all necessary paperwork to be available as an EFF during a wildfire season, or an extension of the wildfire season, they are not employed, and are therefore not paid, until they are hired and work on an as-needed basis for a particular incident. EFF employment is sponsored for an individual wildfire or other hazard incident basis. Employment terminates when the EFF's work on the incident is complete. Hiring and dispatching EFF's for incidents impacts the limited resources at the DNRC offices that sponsor the EFF's, restricting how many EFF's can be sponsored at any given time. Generally, EFF sponsorship is looked at as to whether it is a benefit to DNRC or the incident management organizations that DNRC supports.

The DNRC local office is the Sponsoring Unit within the dispatch boundary where the EFF resides. The Sponsoring Unit has discretion whether or not to sponsor any EFF position. Not all persons seeking sponsorship will be able to be sponsored. The sponsoring unit will consider State and Local Government resource needs along with the local office's ability to manage the sponsored EFF's. No persons are guaranteed future

EFF sponsorship regardless of previous sponsorship, since hiring of the EFF position is determined by the needs of DNRC.

NOTE: For non-emergency work (i.e. preseason work, meetings or training) personnel should be hired as short-term workers. Workers shall not be hired as EFF's for work that is NOT for a sudden and unexpected emergency, actual or potential.

Hiring procedures are put in place to ensure fair and effective hiring and management of temporary or casual employees (EFF's).

**Hiring Circumstances:**

1. To work directly in suppression of an ongoing incident.
2. To increase suppression capability during periods when fire danger is very high, or when conditions exist for rapid fire growth and when risks of fire occurrence are high.
3. To provide support for an ongoing incident, including pre and post-incident administration, and training.
4. To support active Incident Management teams.
5. To support a Governor's Disaster Declaration.

**Sponsoring Unit Responsibilities:**

1. Manage certification and training records.
2. May annually issue an Incident Qualification Card, upon approval from the Sponsoring Unit's qualification Review Committee.
3. Process appropriate time and travel documents for compensation.
4. Will consider and work with Local Government to identify their resource needs.
5. Will consider the needs of the state in identifying resource needs.
6. Will consider training and experience needs for local fire management.
7. Will decide whether or not to make an EFF available for assignment, depending on needs, conditions and/or ability to manage the personnel.
8. May agree to make an EFF available for a NR Incident Management Team commitment.
9. The Sponsoring Unit has the discretion whether or not to sponsor/certify any EFF position.
10. The Area or Unit Manager or Designee has final authority to accept or reject any person hired under this plan.

**EFF Responsibilities:**

1. Provide the Sponsoring Unit appropriate training certification documents.
2. Maintain their current availability with their Sponsoring Unit.
3. Present complete pay and per diem documents to the sponsoring unit within 30 days of assignment completion.
4. All contacts regarding pay or travel status must only be addressed through the Sponsoring Unit.
5. All contacts regarding employment concerns must only be addressed through the Sponsoring Unit.

**Conditions of Hire:**

1. Hiring occurs when a need is identified and at the request of an agency representative.
2. Employment for emergency operations begins at the point of hire when an individual is available to fill an established need. Employment ends at the point the EFF is returned to the point of hire or is no longer available. Point of hire is defined as the location of the unit where hiring documentation is completed.
  - a. All hours worked as an EFF must be recorded as either on-shift or off-shift. All on-shift time is compensable; all off-shift time in non-compensable.
  - b. On shift includes:
    - i. Time spent in travel to the incident from point of hire, travel from the incident to point of hire and related waiting time:
    - ii. Other travel necessary for the performance of work, such as from fire camp to fire line or between fire camps.
    - iii. Ordered standby: and
    - iv. Actual work
  - c. Off shift includes:
    - i. Time allowed for sleeping and eating when personnel are free from assigned duty; and
    - ii. Other periods when personnel are free from duty and are not in an ordered standby status. Ordered standby occurs when, at the direction of the agency representative, an EFF is held in a specific location fully outfitted and ready for immediate assignment.
    - iii. Mandatory days off.
  - d. EFF's that deviate from the normal travel route home are considered "no longer available" and are not entitled to travel time home nor to transportation provided by the government from the point the travel deviation occurs. (Travel documentation must be documented and attached to the EFF's original time record (OF-288) for use by the payment unit. This documentation shall also be made part of the incident record.)
3. EFF pay rates are determined by the nature of the work assigned. See NRCG supplement to Chapter 10 of the Interagency Incident Business Management Handbook (IIBMH) for Montana EFF pay rates. Lengths of service and/or additional qualifications are not used to determine pay rates. Occasional or infrequent duties at a higher level do not justify a change in pay rate.
4. All transportation required from point of hire until return to point of hire will be at government expense, except as stated in 1 d. If an EFF is fired or quits without an acceptable reason before the emergency is over, pay will be stopped at that time. The hiring unit will decide whether or not the government will provide return transportation and if the EFF will be paid for travel time back to the point of hire.
5. For all state employees, meal periods should be applied in accordance with the NRCG supplements to Chapters 10 and 50 of the IIBMH.
6. State and federal taxes are deducted from EFF gross earnings and state unemployment insurance is paid by the state. FICA (federal social security)

taxes are not deducted from EFF earnings. EFF's are not entitled to sick or annual leave and are not required to participate in the state retirement plan.

7. EFF's are covered under MT Workers Compensation Insurance (MT State Fund: 1-800-332-6102, team 6).
8. If an incident commissary is available, EFF's are granted commissary privileges in accordance with instructions in the IIBMH.
9. EFF's earn overtime on work performed for more than 8 hours in a calendar day and greater than 40 hours in a week. Though time is kept on the OF-288, overtime will not be computed on an incident; it will be figured when EFF time reports are processed by DNRC Payroll.
10. EFF's are not entitled to hazard pay or any other pay differentials.
11. EFF's are not entitled to paid R&R upon return home; if the IC feels this is warranted, it must be provided by the incident prior to Demob.

### **Criminal Convictions:**

DNRC should follow the procedure below when evaluating whether to sponsor and/or hire an EFF when DNRC management either knows or has reason to believe an individual has a criminal conviction.

1. Alleged convictions of potential EFF's must be evaluated on a case-by-case basis.
2. When DNRC management becomes aware of the potential existence of a criminal conviction for an individual that seeks to be sponsored by DNRC in ROSS or seeks to fill-out the paperwork with DNRC to be an EFF for DNRC, management shall contact DNRC legal staff. Together, DNRC management and legal staff will seek to obtain all relevant information regarding the conviction(s) including, but not limited to, court documents and investigations.
3. DNRC will obtain relevant information regarding the potential EFF's qualifications, the type of position(s) the individual seeks, and the duties of that position(s).
4. DNRC management in consultation with DNRC legal staff will evaluate whether the nature of the conviction could negatively impact, detract from, or compromise DNRC's wildfire-suppression mission, both in-state and out-of-state, if the EFF were to be hired into the position sought or sponsored in ROSS. DNRC will also comply with any applicable requirements or policies regarding the hiring of EFF's in making its decision on sponsorship in ROSS and/or hiring. The Chief of Fire & Aviation Management will be notified when decisions are made under this policy.
5. DNRC management will inform the potential EFF of the DNRC's decision in writing.

## **C. EMPLOYMENT OF PERSONNEL 16 TO 18 YEARS OF AGE AND STATE OF MONTANA RETIREES**

1. Employment of Personnel 16 to 18 Years of Age

Employment of Emergency Fire Fighters (EFF's) between the ages of 16 and 18 shall only be used if absolutely necessary for the successful conduct of fire pre-suppression operations. An example of this type of work is fire camp duty.

These EFF's will not be involved in actual firefighting or work activities that are considered hazardous.

## 2. Employment of State Retirees

Retired State of Montana employees may be employed as EFF's, subject to the following conditions:

- a. A retiree must be retired at least 90 days and receive one benefit check before accepting a PERS-covered job.
- b. The law imposes some limits on working retirees depending on your age.
  - ✖ 960 hours of employment if you are less than age 65.
  - ✖ 960 hours or an earning limit if you are age 65 or older.
  - ✖ No earning limit will apply to any retiree who is age 70½ or older.
- c. The limits apply to each calendar year, and the MPERA will only reduce your benefit when you exceed the limit.
- d. There are no legal restrictions on the type of EFF duties to be assigned, provided the retiree is physically and otherwise qualified.
- e. Regular EFF employment procedure, rates of pay, timekeeping, worker's compensation, and other procedures apply.

Additional information can be found in the Montana Public Employee Retirement Handbook, updated March 2014, available in state agency personnel offices or at the following website: <http://mpera.mt.gov/mnbrHandbooks.shtml>

## **D. EMERGENCY FIREFIGHTER (EFF) EMPLOYMENT FORMS**

Information and forms are located on the DNRC Fire & Aviation Management, Fire Business website: <http://dnrc.mt.gov/forestry/Fire/Business/Hiringforms.asp>

A list of required forms may also be found in the NRCG Chapter 50 supplement to the NWCG IIBMH, Section 01.2-5 Hiring Documents.

## **E. ORDERING PROCEDURES**

Ordering procedures for both cooperating agency personnel and EFF's will be as described in the DNRC Wildland Fire Suppression 900 Manual, Section 920-Dispatch/Coordination Channels. This manual can be found at the following website: <http://dnrc.mt.gov/forestry/Fire/Manuals/900manual.asp>

## 312 PAY PROVISIONS

### A. LENGTH OF FIRE SUPPRESSION and ALL-RISK ASSIGNMENTS POLICY, TRAVEL AND PER DIEM GUIDELINES, MEAL POLICY GUIDELINES, RENTAL VEHICLES, CELL PHONE & LAPTOP GUIDELINES

#### 1. LENGTH OF FIRE SUPPRESSION and ALL-RISK ASSIGNMENTS POLICY:

The DNRC's Length of Assignment and All Risk Policy should be finalized prior to fire season 2014. When available, the policy can be found at the following website: <http://dnrc.mt.gov/forestry/Fire/Business/default.asp>

#### 2. TRAVEL AND PER DIEM GUIDELINES:

Normal firefighting operations by DNRC provide personnel with food and lodging in lieu of per diem. Under special circumstances, per diem may be allowed for expenses incurred prior to food and lodging being provided by the state. This may be an instance where a camp has yet to be set up or perhaps, traveling to an incident or providing rest and recuperation in place. These special circumstances must be approved by the host land/unit office.

Lodging for personnel at motels and providing meals at restaurants can be handled via pre-determined agreements, instead of per diem forms. Motel allowances per individual shall not exceed the current acceptable state rate plus tax; and in high cost cities variable rates plus tax. Exceptions must be justified on the *Request for Reimbursement of Lodging at Actual Cost* form. This form is available at the following website:

<http://dnrc.mt.gov/forestry/Fire/Business/TravelForms.asp>

Some federal personnel (smokejumpers) may request per diem accommodations in lieu of state fire camp facilities; DNRC does not provide these arrangements. If these crews stay at facilities other than those provided by DNRC, they do so at their own expense.

The DNRC Travel Policy with per diem rates for Montana is available at the following website: <http://dnrc.mt.gov/forestry/Fire/Business/TravelForms.asp>.

Travel home for DNRC employees during personal emergencies is an allowable expense, but must be approved by the immediate supervisor and follow all existing DNRC purchasing procedures.

Travel to foreign countries:

- ✱ Meal and lodging allowance follows federal guidelines as established in Section 2-18-501(2), MCA. The federal schedules are available at



the following website:

[http://aoprals.state.gov/content.asp?content\\_id=184&menu\\_id=78](http://aoprals.state.gov/content.asp?content_id=184&menu_id=78)

### **3. DNRC IN STATE MEAL POLICY GUIDELINES:**

The intent of providing meals to personnel is to ensure the health, safety, welfare and availability of fire personnel for rapid dispatch to and support of an incident. For those personnel involved in fire suppression efforts within the State of Montana, a higher meal rate applies; this is defined as a “fire meal”. **See CHARTS on pages 310-12 and 310-13 of this chapter.**

The following guidelines for meals purchased within the State of Montana are pursuant to department policy resulting from House Bill 411 (HB411) in the 2011 Legislature. The new language is contained in Montana Code Annotated (MCA) 2-18-501. This law is effective as of the April 21, 2011, signing date.

#### **MCA 2-18-501. Meals, lodging, and transportation of persons in state service.**

*All elected state officials, appointed members of boards, commissions, or councils, department directors, and all other state employees must be reimbursed for meals and lodging while away from the person's designated headquarters and engaged in official state business in accordance with the following provisions: ...*

*(10) When the actual cost of meals exceeds the maximum standard allowed pursuant to subsection (1), the department of administration may authorize the actual cost of meals for firefighters.*

*(11) For the purposes of implementing subsection (10), the following definitions apply: (a) "Firefighter" means a firefighter who is employed by the department of natural resources and conservation and who is directly involved in the suppression of a wildfire in Montana. (b) "Wildfire" means an unplanned, unwanted fire burning uncontrolled and consuming vegetative materials."*

In addition to the new legislation in 2011, additional guidance is granted by Montana Code Annotated 76-13-104: (2) (a) *The department shall adopt rules to protect the natural resources of the state, especially the natural resources owned by the state, from destruction by fire and for that purpose, in declared emergencies, may employ personnel and incur other expenses when necessary.*

Meals/allowable rates:

- Agency Provided Meals may be provided for personnel when the situation is such that:
  1. It is necessary to hold personnel in close proximity to be immediately available for rapid dispatch to, or support of, anticipated new fires (such as when staffing under Severity/Extended Resource authorization). Fire supervisors must verify the probable need to use the personnel prior to their next shift.

- × Severity/Extended Resources and Re-assignment
      - For scheduled shifts exceeding 10 hours when personnel are being kept past their normal duty day, one fire meal may be provided. Additional meals may be provided for those resources that are kept or held under the direction of the state for the duration of their assignment.
- 2. Personnel that cannot be relieved of duty for a meal break, mealtime is uncertain, or work shift exceeding 10 hours when employees are working past their normal duty day.
- **FIRE MEALS** (higher cost meal – See RATES chart below) may be provided when personnel are involved in the suppression of an **ONGOING** fire.

Personnel involved in the fire mop-up, patrol and support activities, **AND** who are operating out of their normal duty station daily, do not qualify for meals unless covered under 1 & 2 above. Personnel are expected to provide their own meals on any given normal work day.

During travel to and from fire incidents, meals will be reimbursed according to the DNRC Fire Meal Policy Guide. **See CHARTS on pages 310-12 and 310-13 of this chapter.** The rates are in effect from the time travel begins to when travel concludes and personnel return to the home unit.

- **MEALS SERVED IN FIRE CAMPS** – State Operated Kitchen, Caterer.
  - Paid at actual cost
- **SACK LUNCHES, MRE’S, ETC.**, served on the fireline to suppression personnel.
  - Paid at actual cost
- **IN LIEU OF MEALS SERVED IN FIRE CAMP, THE STATE MAY PROVIDE (SEE RATES CHART BELOW):**
  - × Meals contracted for at local restaurants, either served in or taken out.
    - Restaurant Authorization Form with names required (See Appendix)
    - If names are not available (i.e. IA resources being dispatched) provide a comment/justification on who the meals are going to be going to on the bottom of the form.

## **RATES**

### **FIRE MEALS FOR PERSONNEL INVOLVED IN FIRE SUPPRESSION EFFORTS**

#### **In State**

Breakfast	\$ 10.00
Lunch	\$ 11.00
Dinner	<u>\$ 15.00</u>
	\$ 36.00

x

- x Meals prepared for personnel at their normal duty station rather than sending personnel to a local restaurant. Cost is not to exceed the fire meal rate x the number of people approved to receive agency provided meals.
  - Restaurant Authorization Form with names required (See Appendix)
  - If names are not available (i.e. IA resources being dispatched) provide a comment/justification on who the meals are going to be going to on the bottom of the form.

Fire meals are the **only** meals that can include a gratuity that is not paid out of pocket to the vendor. A gratuity is allowed for meals served in a restaurant and for restaurant prepared take-out meals. The maximum gratuity allowed is 15% unless it is clearly stated on the menu that large groups are charged a higher mandatory rate.

#### **4. DNRC OUT OF STATE FIRE ASSIGNMENT MEAL POLICY GUIDELINES:**

Meals for out of state fire assignments are pursuant to the travel policy for the State of Montana, with one exception; a procard may be used to purchase meals and a 15% gratuity may be authorized. Out of state meal rates shall apply from the point of departure (i.e. home unit, airport etc.) and should not be mixed with in state meal rates. **See CHART on page 310-13 of this chapter.** Additional travel policy information can be found at <http://doa.mt.gov/doatravel/default.mcp.x>.

## DNRC Fire Meal Policy Guide – In State Fire Assignment

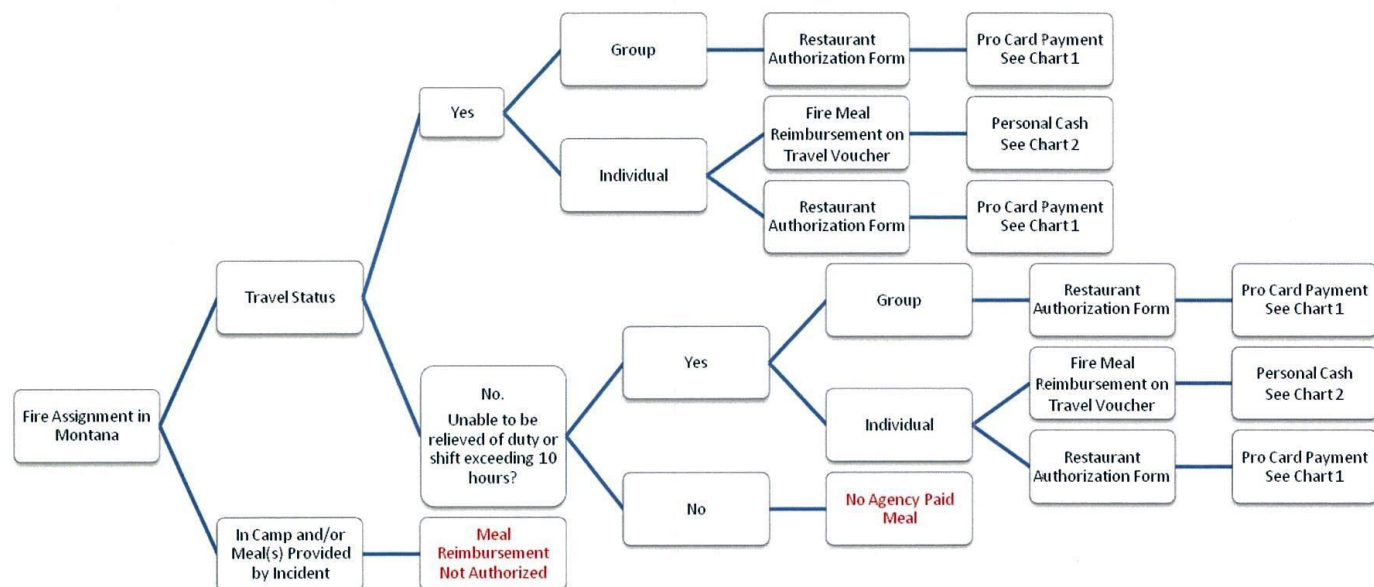


Chart 1 – Pro Card for payment, <u>itemized</u> receipt required. Restaurant Authorization Form is also required for documentation. (Instructions are included on the form.)	
Actual meal cost reimbursable <u>up to</u> the following amounts **:	
Breakfast	\$10.00
Lunch	\$11.00
Dinner	\$15.00
Maximum Allowable	\$36.00
"Fire Meal" gratuity authorized for reimbursement, 15% unless clearly stated on the menu that large groups are charged a higher rate. Justification is required.	

Chart 2 – Personal money used for payment, <u>itemized</u> receipt required, Travel Expense Voucher used for reimbursement. Use the "Meals Per Diem" column to include cost of meal plus gratuity. Attach receipt.	
Actual meal cost reimbursable <u>up to</u> the following amounts **:	
Breakfast	\$10.00
Lunch	\$11.00
Dinner	\$15.00
Maximum Allowable	\$36.00
"Fire Meal" gratuity authorized for reimbursement, 15% unless clearly stated on the menu that large groups are charged a higher rate. Justification is required.	

\*\*no reimbursement will be made to the employee if the allowed amount is higher than the actual meal cost. However, if the actual meal cost is higher than the allowed amount, the employee is required to pay the difference out of pocket. For more information, see the DNRC Forestry Division, Fire and Aviation Management Bureau - 300 Manual, Chapter 310, Section 312, Subsection A.3.  
<http://dnrc.mt.gov/Forestry/Fire/Manuals/300manual.asp>

Updated 3/2014

## DNRC Fire Meal Policy Guide – Out of State Fire Assignment

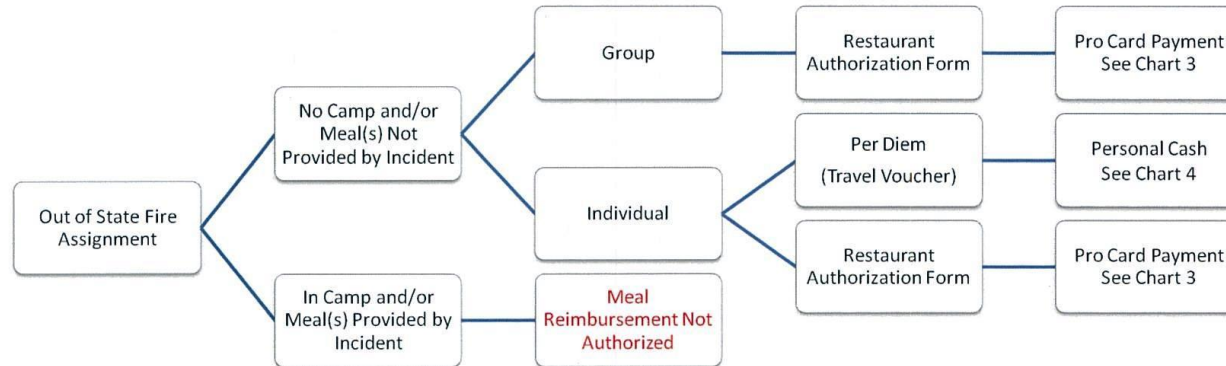


Chart 3 – Pro Card for payment, <u>itemized</u> receipt required. Restaurant Authorization Form is also required for documentation. (Instructions are included on the form.)	
Actual meal cost reimbursable <u>up to</u> the following amounts **:	
Breakfast	\$7.00
Lunch	\$11.00
Dinner	\$23.00
Maximum Allowable	\$41.00
"Fire Meal" gratuity authorized for reimbursement, 15% unless clearly stated on the menu that large groups are charged a higher rate. Justification is required.	

Chart 4 – Personal money used for payment, no receipt required, Travel Expense Voucher used for reimbursement.	
Standard Out-of-State per diem amounts:	
Breakfast	\$7.00
Lunch	\$11.00
Dinner	\$23.00
Maximum Allowable	\$41.00
Standard Out-of-State per diem; gratuity <u>not</u> authorized for reimbursement.	

\*\*no reimbursement will be made to the employee if the allowed amount is higher than the actual meal cost. However, if the actual meal cost is higher than the allowed amount, the employee is required to pay the difference out of pocket.

For more information, see the DNRC Forestry Division, Fire and Aviation Management Bureau - 300 Manual, Chapter 310, Section 312, Subsection A.3. <http://dnrc.mt.gov/Forestry/Fire/Manuals/300manual.asp>

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## **5. RENTAL VEHICLE, CELL PHONE AND LAPTOP GUIDELINES:**

These items are not authorized unless requested by the host agency, and noted in the remarks section of the resource order by the Geographic or Zone Interagency Dispatch Center.

### **a. Cell Phones and Laptops**

If an individual elects to bring a cell phone or laptop and authorization is received from the host agency, you are then required to obtain "E"/"S" numbers at the incident for expense reimbursement.

If cell phone use is authorized, the resource order or signed authorization from the line officer must be attached to the cell phone bill when submitted for payment. If the use was not authorized by a resource order or line officer's written approval, the cell phone use must not be charged against a fire org center. Claims for damages/loss need to be pursued through established procedures.

### **b. Rental Vehicles**

Rental cars should not be used unless approved and provided for by the host agency. The intent of the DNRC Solicitation is to provide off-road vehicles to meet operational line resource needs in this region. The solicitation will not be used to obtain vehicles for general transportation and travel. If a rental vehicle is needed for on-road/paved road transportation use, the dispatch center/employing agency will arrange for a rental vehicle appropriate for the position filled and pay via agency procurement methods. In the case of a DNRC Direct or County Assist incident, the line officer must approve all rental vehicles. Rental vehicle usage cannot be reimbursed on a billable incident, unless there is a resource order and each vehicle has an "E" number. Rentals must be demobed and closed out with Finance at each incident. There should not be any carry over between incidents. Make arrangements through the ordering dispatch center for transportation to and from an incident.

See the NRCG Chapter 10 supplement to the IIBMH for additional guidelines on rental car use.

## **6. LUGGAGE GUIDELINES:**

Additional luggage fees incurred for airline travel is an approved reimbursable expenditure covered in the *Montana Cooperative Fire Management Agreement and Stafford Act Response Agreement*, Appendix D Section 3b.

## **B. STATE OF MONTANA OTHER THAN DNRC**

### **1. National Guard**

- a. National Guard will only be used when activated by executive order of the Governor. The Montana Guard is a state resource and will be ordered through DNRC channels for all incidents including federal support.

All requests for National Guard support will go through the DNRC Direct State Fire Coordinator at the Northern Rockies Coordination Center (NRCC), Missoula. The DNRC State Direct Fire Coordinator will contact the Disaster and Emergency Services (DES) on-duty officer. DES will then contact the Governor's office, and the Governor's office will issue an executive order proclaiming a state of emergency. Use and coordination of Guard equipment and personnel will be managed through the usual channels.

The state of emergency will be based on one or more zones and includes all counties listed in each zone below (see map and executive order in Appendix A of this manual). When an emergency is declared, all counties in a zone will be included in the executive order.

Each declaration of emergency will be in effect for 20 days. Disaster declarations are in effect for 30 days unless a major declaration comes from the President. Use of National Guard Armories and Fort Harrison does not require a declaration of emergency. For more information, see Montana National Guard/Montana DNRC Memorandum of Agreement in the DNRC Fire Administration (200) Manual or the DNRC Fire & Aviation, Fire Business website:  
<http://dnrc.mt.gov/forestry/Fire/Business/Agreements.asp>

- b. National Guard Pay and Allowances

See the Montana National Guard Emergency Operations Plan (PBTEMPO Rates Section in the MTNG/MTDNRC MOA).

c. Payroll and Per Diem Procedures for National Guard

All time is kept by the National Guard designated member and will be forwarded to the Department of Military Affairs (DMA) according to their rules and regulations. Mark any timekeeping documents clearly as National Guard and include military rank of individual. National Guard personnel are paid a daily rate. National Guard personnel do not receive hazard pay or any other pay differential. National Guard personnel are covered under Montana's workers compensation through Montana State Fund. National Guard personnel are reimbursed for travel per diem expenses according to state of Montana regulations.

Crew Time Reports or similar form shall be utilized on all FEMA declared incidents.

**NOTE TO INCIDENT FINANCE OFFICERS:** National Guardsmen must not be granted commissary privileges in the same manner as EFF's. Commissary must be on cash or credit card basis.

In administrative dealings with National Guard personnel the chain of command should be respected. Disputes or discussions with individual National Guard personnel should include the individual's superior ranking supervisor.

d. Reimbursement

The Department of Military Affairs will bill DNRC for all federal- and state-supported fires. DNRC reimburses DMA through a No-Warrant Transfer of Funds, and then DNRC bills the federal agencies for the support to their fires.

2. Montana Department of Corrections (Inmate Fire Crew)

Refer to DNRC - Fire Authorization 200 Manual – Montana Department of Corrections (DOC) /Montana Department of Natural Resources and Conservation Agreement, DOC/DNRC Annual Operating Plan and NRCG Chapter 50 supplement to the IIBMH.

3. Other Montana State Agencies

Employees of other Montana State agencies may be utilized by DNRC to assist on DNRC fires in two ways: **“Reimbursement basis”** and **“On Loan”**.



**Reimbursement basis:** DNRC will only reimburse another agency for the overtime of an individual, travel expenses and pre-authorized items (i.e., supplies and materials), unless they have been approved and are “on loan” to DNRC.

**On Loan:** Employee(s) that are “on loan” should not take paid leave from their home agencies. The agency director of the employee(s) on loan should send an email to the DNRC Director approving the employee(s) loan. The loaned employee(s) would go on the payroll of DNRC at their current rate. See Montana Operations Manual, Category: Accounting, Title: 317 Disaster and Emergency Expenses; effective date 7/1/2005, revised 2/11/14; Section IV. General information & VI. Request for Reimbursement (modified 08/06/09). (Web Site: <http://mom.mt.gov/default.mcp.x>. Click on “Click Here For The State of Montana Operations Manual (MOM)”).

a. Procedures

- Record all DNRC incident work time on the Crew Time Report (CTR) or Emergency Equipment Shift Ticket for the other agency individual and/or equipment. Mark the timekeeping documents clearly with the other agency name and home office address.
- For those employee(s) not “on loan” but on a reimbursement basis: At the conclusion of the DNRC assignment, the completed and approved original EFF Time Report (OF-288) or Emergency Equipment Use Invoice (OF-286) (which could be used if the other agency has no regular equipment use reporting system) shall be given to the other agency official for further processing within the other agency. The DNRC Financial Services Office, Chief Financial Officer must advise the other agency official that the other agency must bill DNRC Forestry Division in Missoula for any personnel overtime (NOT base time) and/or equipment use charges at the other agency’s appropriate regular rates, using the DNRC timekeeping forms provided. DNRC Business Management Bureau will verify the billed charges through the responsible Land Office and forward the bill to the DNRC Financial Services Office in Helena to reimburse the other agency for personnel overtime, supplies & materials, and equipment use charges.
- For those employee(s) that have been approved to be “on loan”: At the conclusion of the DNRC assignment or end of each pay period, whichever comes first, the completed original and approved EFF Time Report (OF-288) shall be given to the DNRC Financial Services Office. DNRC’s Chief Financial Officer will advise the loaning employee’s agency financial official that the other agency must bill DNRC Forestry Division for their time submitted. The payroll staff will submit the loaned employee’s time in SABHRS Human Resources system under DNRC and charge to the appropriate DNRC SABHRS fire or incident number for all expenses related to the incident for the individual on loan. Expenses will be billed back to DNRC at the employee’s current rate of pay, using the

EFF Time Report OF-288 form provided. The DNRC Business Management Bureau will verify the billed charges through the responsible Land Office and forward the bill to the DNRC Financial Services Office in Helena. DNRC Financial Services Office will then reimburse the other agency for overtime, supplies and materials and equipment use charges.

## **C. FEDERAL PERSONNEL AND EMPLOYEES FROM OTHER STATES**

### **1. General**

In general, the salary or wages of federal personnel, including emergency firefighters hired by federal agencies for DNRC use (e.g., Native American Crews and others) are billed to DNRC by the sending federal agency under the provisions of existing cooperative agreements (see Chapter 350 of this manual). Federal billings are at the actual cost to the sending agency for compensable travel and work time, including premium pay if and when premium pay is earned, under the policies, laws or rules governing the employees of the sending agency.

Most federal agencies which are involved in wildland management, and therefore likely to cooperate with DNRC in fire suppression, comply with the policies and practices in NWCG Interagency Incident Business Management Handbook.

DNRC Line Officers, Incident Business Advisors and fire fiscal personnel should therefore be aware of the provisions of the Interagency Handbook, since these provisions generally govern federal employees on DNRC fires, and accordingly govern the federal billings later presented to DNRC for payment.

### **2. Other States' Employees**

Employees of other states may be dispatched by cooperating federal agencies or under State to State Compact orders to DNRC fires. These imported state crews can appear under two very different employment situations, depending on the state-federal cooperative agreement and/or compact rules at the sending unit.

## **D. MONTANA COUNTIES**

### **1. Cooperative Counties**

Detailed guidelines are shown in the DNRC Wildland Fire Suppression 900 Manual, Section 935 and the NRCG Mobilization of Local Government Firefighting Resources. In general, county crews and equipment, including adjacent counties under cooperative mutual aid agreement with the county experiencing the fire, will NOT be paid by the state. Such expenditures normally remain a county responsibility. County forces should be utilized, where practical, before private assistance is hired onto the fire.

DNRC may hire county forces as EFF's, or equipment from areas beyond, or not covered by mutual aid agreements, with the county experiencing the fire. Note that this hiring capability is not to be used as a planned alternative to the desirable practice normally expected by DNRC, whereby cooperative counties are expected to execute mutual aid agreements with adjacent counties.

#### **E. RURAL FIRE DISTRICTS, VOLUNTEER FIRE COMPANIES, MUNICIPAL FIRE DEPARTMENTS AND FIRE SERVICE FEE AREAS**

##### **1. Within Cooperative Counties (Non-Forested Zones)**

Detailed guidelines are shown in the NRCG Mobilization of Local Government Firefighting Resources and the NRCG Chapter 50 supplement to the IIBMH. As of this revision, all counties within the state of Montana are considered cooperative counties. Within cooperative counties, any agreements with rural fire districts, fire service areas, volunteer fire companies and municipal fire departments will be with the cooperative county and not directly with the DNRC. Any rural fire district, volunteer fire companies, municipal fire departments and fire service fee area activities will be considered by DNRC as a county activity and handled as described in Section 312, D.1 (Cooperative Counties) above.

However, the local DNRC unit or area office may, at its discretion, hire the volunteer Local Government Fire Force personnel within their legal jurisdiction, as EFF's and pay for their time commencing 24 hours after the first initial attack resources are dispatched. To qualify for this, the local government forces must be fully committed and have exercised local mutual aid resources. See Chapter 10 supplement to the IIBMH, Exhibit NR1 – MT DNRC EFF Pay Plan, for the current ICS positions and EFF pay rates.

Local government fire equipment will not be hired within legal jurisdiction but approved operating supplies such as fuel, oil and foam may be covered.

Local government equipment operating outside of its legal jurisdiction may be hired using the rates found in the NRCG Chapter 50 supplement to the IIBMH.

##### **2. Within DNRC Direct Protection Areas (Affidavit Unit or Forest Fire District)**

Outside of cooperative county protection and within established rural fire districts, municipal fire departments, fire service fee areas, DNRC or its federal fire protection contractors (acting through DNRC) may enter directly into cooperative mutual aid agreements with rural fire districts, volunteer fire companies, municipal fire departments and fire service fee areas. Any payment for such services will be as described in the appropriate agreement (reference Chapter 350 of this manual).

## **F. PRIVATE SECTOR**

### **1. Private Industry**

In most cases established private firms, especially larger forest industry companies such as Plum Creek Timber and others, bill DNRC directly for both labor and equipment provided by the company, using current company pay rates. When labor is paid directly by a private firm (NOT through DNRC EFF employment procedure) the private firm must provide worker's compensation coverage for its employees as required by Montana State law. DNRC verifies the company bill as to hours worked and pays the bill. Time worked on DNRC fires are recorded on regular DNRC timekeeping forms clearly marked "To be paid by (name) Company." One copy of the completed timekeeping form will be given to the company official in charge to support company billing. One copy of the completed timekeeping form will be forwarded to the DNRC Forestry Division, Business Management Bureau, Missoula for verification of company billing.

An alternate acceptable practice is DNRC direct hire of company employees and/or equipment at appropriate rates as outlined in the NRCG Chapter 10 supplement to the IIBMH, Exhibit NR1 – MT DNRC EFF Pay Plan. Exceptions to DNRC EFF rates can be made when dozer operators or other specialized equipment operators are able to furnish a current union membership card. Under these conditions, these equipment operators may be paid current union wages.

Montana DNRC is not authorized to procure fare tickets, rentals, lodging, or give travel advances for private contractors or their employees. This includes mobilization to and demobilization from emergency incidents. DNRC may reimburse for travel costs per contract provisions.

### **2. Contract Crews**

In addition to the procedures described above, Land Offices may also make pre-season arrangements for contract crews from such sources as logging operators, mill operators, planting or thinning contractors, road construction contractors, etc. Land Offices will negotiate and document pay rates prior to use, depending on the type of firefighting duties expected and the experience of the crew. Time recording will be as described in the NWCG IIMBH, Chapter 10.

Among the requirements for a contract crew is the requirement that the contractor (not DNRC) provides worker's compensation coverage for the contractor's employees as required by Montana State law. The contractor's worker's compensation coverage must include any work done under contract for DNRC, including firefighting. If a contractor fails to provide worker's compensation for work done under contract for DNRC, the contract is void.

DNRC must be billed for the services of this type of crew. The contractor must submit completed time reports along with billing for payment. Out-of-region contract crews should come with a contractor representative who understands the contract and procedures for hiring and payment of this type of crew, i.e., State of Oregon Contract Crews. Order a contractor representative immediately if one does not arrive with the crew. Do not pay this type of contract off of an incident generated use invoice. All paperwork must be returned to their home unit where the billing will be generated and sent for payment.

3. Private Contractors – Competitive EERA's/I-BPA's

These are contracts which are solicited preseason by the Forest Service, BLM or DNRC. They are pre-negotiated and normally completed in the spring. DNRC can always use and will honor these competed agreements. However, the federal agencies are not always able to use and honor DNRC agreements unless they are co-signed by a Forest Service or respective agency contracting officer.

**G. LOCAL GOVERNMENT FIRE FORCES (LGFF)**

Local government fire department personnel may be hired as EFF's. The pay grade shall be specified on the EFF Time Report (OF 288) according to the NRCG Chapter 10 supplement to the IIBMH, Exhibit NR1 – MT DNRC EFF Pay Plan. Local government fire department personnel hired as EFF's will be covered by worker's compensation insurance, paid by the employer (DNRC).

Fire departments may elect to contract their personnel and equipment, which is acceptable, but departments must provide all employee coverage such as worker's compensation insurance, payroll taxes, etc.

See the NRCG Chapter 50 supplement to the IIBMH, and/or the NRCG Mobilization of Local Firefighting Resources for options in hiring local government firefighters and equipment.

**313 TIMEKEEPING**

See the NWCG IIMBH, Chapter 10 for timekeeping procedures.

**A. COMMON TIMEKEEPING PROBLEMS**

There is much more to timekeeping than merely recording time. A good time recorder is alert to troublesome phases of the work that develop and must constantly watch and plan to meet emergencies. The following are common timekeeping problems:

1. Landowners and Local Residents on Line When Crew Arrives

Landowners and local residents often go directly to a fire when they see smoke and are on the line when regular crews arrive. These individuals are among the agency's finest cooperators, and if the line officer makes a decision to pay these cooperators, their time needs verification by responsible officials. These individuals should report to the Time and Equipment Recorders in the Finance Section when they come off the line, but often they do not. Every effort should be made to have them complete Hire Paperwork, obtain their time and record it when put into a pay status.

2. Employees Moving From One Fire Camp to Another on Same Fire

The fire may become so large that several camps are established, with employees checking out of one camp and into another. The Finance Section must keep itself informed of these transfers. The Division Supervisors, Hand Crew Bosses, and other Operations Section supervisory personnel also have certain responsibilities in these transfers. When these transfers occur, the following procedures shall be followed:

- a. If the transfer was planned in advance, the individual time reports (and related crew time reports when applicable) are sent to the receiving camp in a sealed envelope by messenger, Hand Crew Boss, or by another responsible officer. Post all commissary issues before transferring the time reports.
- b. If the transfer was not planned in advance, the Finance Section in the receiving camp should immediately inform the Finance Section at the sending camp of the transfer. Process the transfer as in a. above.
- c. Occasionally individuals or a crew will move into a different camp overnight because they were nearer this camp than their own. When this occurs, the Hand Crew Boss sends the old crew time report to the home camp by messenger or other means with a general message explaining the situation. Commissary issues to this crew during the evening should be handled by transferring the value of these items to the home camp on the Commissary Issue Record.

3. Employees Moving from One Fire to Another Fire on the Same Unit or to a Fire on Another Unit Within Area of DNRC Responsibility

Ideally, all resources on an incident should be formally demobed, and follow those demob procedures; closing out with each individual section before leaving an incident for another one. This ensures that all Time reports are reviewed and processed appropriately and any accountable property is returned, etc.

When those same resources are being sent to a subsequent incident, the current Time Unit should close out the current Time reports when that resource is to leave

the incident (Departure-12:00). A new time report would then be started with that same departure time (Start Time-12:00) that would then be taken to the next incident by that resource. Travel time from one incident to the next is to be paid by the receiving incident.

Time reports would then be returned to the area or unit office as normal.

4. EFF Employees Moving Outside Area of DNRC Responsibility

Organized crews of Emergency Firefighters are normally paid at the conclusion of their DNRC firefighting assignments by check mailed to their home address. Finance Section Chiefs and Time Unit Leaders need to be aware of the arrangements made with the crews well in advance of moving any of them to another fire. When crews are being sent to another fire outside areas of DNRC responsibility, their time reports are closed out and transmitted to the EFF's home unit for payment processing. Do not send these DNRC time reports to the other agency fire. New crew and EFF time reports are started at the new assignment. These new reports could be started by DNRC if time permits doing so, but this is basically a receiving agency responsibility.

5. Armed Forces Members

There are no legal restrictions for DNRC EFF employment of active-duty members of U.S. armed forces. Such employees must be physically and otherwise qualified for any EFF duties they may be assigned.

Note: There is a federal prohibition against federal (not DNRC) EFF hire of active duty members of U.S. armed forces.

6. Vacating Job Without Notice

Occasionally an employee will check out for work on the line and will vacate the job without bothering to check back through the Time Recorder. Review all time reports with sufficient frequency so that all cases of disappearance can be checked without undue delay. The possibility always exists that a long overdue employee was hurt and is still out on the line. An investigation may save his life. Report all suspected cases to the supervisor.

## **314 COMMISSARY**

See the NWCG IIBMH, Chapter 10 for guidance. Currently there are no national contracted commissaries.

### **315 COMPENSATION FOR INJURY**

Procedures covering state employees, to include local government forces, on both state and federal fires are described in the NWCG IIBMH, Chapter 50. See the DNRC Fire & Aviation, Fire Business web page for a link to First Report of Injury form and instructions: <http://dnrc.mt.gov/forestry/Fire/Business/Firefinanceforms.asp>

See also Supervisor's Incident Investigation Report form in the Appendix.

Procedures covering employees of cooperating federal agencies used on DNRC fires are described in the NWCG IIBMH, Chapter 10.

### **316 PERFORMANCE EVALUATIONS**

Performance evaluations are required for all private contractors. A copy of the ICS-224, or other applicable evaluation form per applicable solicitation, is retained in the Plans Section of the Fire Package, the contractor retains a copy and a copy is sent to the NRCG agency responsible for the solicitation.